

Town Board Minutes

July 19, 2010

Meeting No. 20

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 19th day of July 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
LEN CAMPISANO, ASS'T CODE ENFORCEMENT OFFICER
TERRENCE McCracken, GENERAL CREW CHIEF
DANIEL AMATURA, HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD

Stanley Krysiak, Jr., spoke to the Town Board on the following matter:

- Allegations about development on property next to his house.

Beutler, Daniel, spoke to the Town Board on the following matters:

- Questions regarding standard work day of elected and appointed officials
- Status of Public Safety Building

Chowaniec, Lee, spoke to the Town Board on the following matters:

- Standard work day established for elected and appointed officials
- Smoke Free Zone in Town Parks

Fronczak, Mike, spoke to the Town Board on the following matters:

- Standard work day of elected and appointed officials
- Smoke Free Zone in Town Parks
- Improvements to Senior Citizens’ Building
- Concerns about Town Hall Expansion
- Lancaster Speedway

Karen Basher, spoke to the Town Board on the following matter:

- Concerns about vehicle traffic in area of Heritage Trail

Joyce Krug, spoke to the Town Board on the following matter:

- Comments and concerns about Heritage Trail

PUBLIC HEARING SCHEDULED FOR 8:15 P.M.:

At 8:15 P.M., the Town Board held a Public Hearing to hear all interested persons upon an amendment to the Parks Ordinance Re: Heritage Trail Bike Path.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Proponent/ Opponent/ Comments/Questions
Donald Symer	Proponent
George Krug	Questions
Joyce Krug	Comments

ON MOTION BY COUNCIL MEMBER AQUINO, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the public hearing was closed at 8:22 P.M.

The Town Board, later in the meeting adopted a resolution, hereafter spread at length in these minutes, taking favorable action upon this matter.

July 19, 2010

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board
held July 6, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 14600 to Claim No.14828 Inclusive

Total amount hereby authorized to be paid: \$1,775,523.07

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

18191	Zaxis Architectural	6365 Transit Rd	Miscellaneous
18205	Tucker Homes Inc	27 Worthington Ln	Er. Dwlg.-Sin.
18209	TR Renovations	27 W Payne St	Re-Roof (V/L)
18210	Stockmohr Roofing	122 Robert Dr	Re-Roof (V/L)
18211	MJ Peterson/Tucker Homes	35 Worthington Ln	Er. Dwlg.-Sin.
18212	Premier Fence	10 Main St	Er. Fence
18213	Ferek, Charlotte	1235 Penora St	Dem. Bldg
18214	Sun Enterprises	21 Quail Hollow	Er. Shed
18215	Davis, Cheryl	21 Rose St	Er. Fence
18216	Irwin Roofing	2 Robinwood Ct	Re-Roof
18217	Proline Pools	240 Peppermint Rd	Er. Pool-Abv Grnd
18218	City Fence Inc	214 Seneca Pl	Er. Fence
18219	A Best Inc	3484 Bowen Rd	Er. Res. Add.
18220	Superior Decks	16 Red Clover Ln	Er. Deck
18221	Lucas, Jacqueline	439 Aurora St	Er. Shed
18222	O'Brien, Jeremy	60 Garfield St	Re-Roof (V/L)
18223	Brierwood Daycare	4820 William St	Er. Sign-Temp
18224	Neth & Son Inc	12 Windsor Ridge Dr	Re-Roof
18225	Forbes Homes	44 Wainwright Ct	Er. Dwlg.-Sin.
18226	Armor Fence Co	41 Meadow Lea Dr	Er. Fence
18227	Metler, Charles	35 Pleasant Ave	Er. Shed (V/L)
18228	The Pool Guy	32 Summerfield Dr	Er. Pool-Abv Grnd
18229	Steinman, Darryl	1375 Ransom Rd	Er. Shed
18230	Lis, Jerome	5222 Genesee St	Er. Res. Add.
18231	The Pool Guy	34 Ashwood Ct	Er. Pool-Abv Grnd
18232	PJK Roofing	200 Enchanted Forest S	Re-Roof
18233	TR Renovation	23 Didion Rd	Re-Roof
18234	Johnson, William	27 Benson Dr	Er. Fence (V/L)
18235	Duro-Shed Inc	44 Cambria St	Er. Shed (V/L)
18236	Nalezynski, Michael	31 Benson Dr	Er. Fence (V/L)
18237	Slivan Pools	25 Ashwood Ct	Er. Pool-Abv Grnd
18238	Sun Enterprises Inc	9 St Anthony St	Er. Shed
18239	Dennis, Joe	2032 Como Park Blvd	Er. Res. Add. (V/L)
18240	Stoldt, Melinda	23 Norris Ave	Er. Pool-Abv Grnd (V/L)
18241	Quaker Steak & Lube	6727 Transit Rd	Er. Sign-Temp
18242	Anderson Water Systems	6 Partridge Walk	Inst. Generator
18243	Gilhooly, Christine	88 Lake Ave	Er. Shed (V/L)
18244	Expert Fence Co	11 Sagebrush Ln	Er. Fence
18245	Double D Contracting	130 Albert Dr	Re-Roof (V/L)
18246	Duro-Shed Inc	92 Michael's Walk	Er. Shed

18247	Abdulrahman, Naseem	46 Michael's Walk	Er. Res. Add.	
18248	Santangelo, Daniel	19 Rose St	Er. Deck	
18249	Iroquois Fence Co	45 Edgewood Rd	Er. Fence	(V/L)
18250	Nolan General Contracting	40 St Anthony St	Er. Res. Add.	
18251	Schuster Const	1 Pheasant Run Ln	Re-Roof	
18252	Koutsandreas, Konstantino	5145 Transit Rd	Dem. Comm. Bldg.	
18253	Katilus Construction	3 Country Pl	Er. Res. Add.	
18254	Griffith, David	335 Aurora St	Re-Roof	(V/L)
18255	Fences By Precision	9 Rue Madeleine Way	Er. Fence	
18256	Pro Line Pools	9 Rue Madeleine Way	Er. Pool-Abv Grnd	
18257	Sahlem's Roofing	52 Williamsburg Ln	Re-Roof	
18258	Stockmohr Roofing	15 Country Pl	Re-Roof	
18259	Miller, Samuel	31 E Drullard Ave	Er. Pool-Abv Grnd	(V/L)
18260	Superior Decks	601 Erie St	Er. Deck	
18261	Sahlem's Roofing	4 Robinwood Ct	Re-Roof	
18262	Cunningham, Sean	112 Robert Dr	Er. Fence	(V/L)
18263	Fix, Richard	43 Sagebrush Ln	Er. Pool-Abv Grnd	
18265	Kangaroo LLC	4899 Transit Rd	Er. Sign-Temp	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau by letter dated July 7, 2010, has recommended appointments for the Youth Bureau’s Safe Summer Reinforcement & Enrichment Programs.

NOW, THEREFORE, BE IT

RESOLVED, that the following individuals be and are hereby appointed to positions in the Youth Bureau’s Safe Summer Reinforcement & Enrichment Programs effective July 12, 2010 through August 31, 2010, at the following rates:

<u>Name</u>	<u>Position</u>	<u>Rate</u>
Andrew Debbins (new hire) Lancaster, NY 14086	Tutor	\$10.00/hr.
Kelly Bluhm (new hire) Depew, NY 14043	Tutor	\$15.00/hr.
Brittany Jahreis (rehire) Amherst, NY 14228	Tutor	\$15.00/hr.

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

NOW, THEREFORE, BE IT
RESOLVED, that the Town of Lancaster hereby establishes the
following as standard work days for elected and appointed officials and will report the
following days worked to the New York State and Local Employees' Retirement
System based on the record of activities maintained and submitted by these officials
to the Lancaster Town Clerk:

Standard Work Day and Reporting Resolution				Participates in	Days/ Month
Title	Name	Standard	Term Begins/Ends	Employer's Time	(based on
		Work Day		Keeping System	Record of
		(Hrs/day)		Yes/No	Activities)
Elected Officials					
Council Member	John Abraham	6	01/01/2010 - 12/31/2013	N	3.93
Council Member	Ronald Ruffino	6	01/01/2010 - 12/31/2013	N	6.86
Council Member	Mark Aquino	6	01/04/2010 - 12/31/2010	N	3.75
Highway Superintendent	Daniel Amatura	8	01/01/2010 - 12/31/2013	N	20
Town Clerk	Johanna Coleman	7	01/01/2008 - 12/31/2011	N	20
Town Justice	J. Michael Kelleher	6	01/01/2010 - 12/31/2013	N	4.67
Town Justice	Mark A. Montour	6	01/01/2008 - 12/31/2011	N	7.47
Town Supervisor	Robert Giza	7	01/01/2008 - 12/31/2011	N	20
Appointed Officials					
Assessor	David Marrano	7	11/20/2007 - 09/30/2013	Y	20
Ass't. to the Supervisor	Jean Farmer	7	01/01/2010 - 12/31/2011	Y	20
Clerk to Town Justice	Amy Pawlowski	7	03/02/2009 - 12/31/2010	Y	20
Clerk to Town Justice	Jeanne Feldmann	7	01/01/2010 - 12/31/2011	Y	20
Deputy Receiver of Taxes	Kathleen Wehner	7	01/01/2010 - 12/31/2011	Y	20
Deputy Town Clerk	Suzanne Blank	7	01/20/2010 - 12/31/2011	Y	20
Deputy Town Clerk	James Allein	7	01/01/2010 - 12/31/2011	Y	20
Director of Admin. & Finance	David Brown	7	01/01/2010 - 12/31/2011	Y	20
Dog Control Officer	David Horn	7	01/01/2010 - 12/31/2011	Y	20
General Crew Chief	Terrence McCracken	7	01/01/2010 - 12/31/2011	Y	20
Planning Board Member	Lawrence Korzeniewski	6	01/07/2008 - 12/31/2014	N	0.70
Planning Board Member	Kristin Keane	6	01/20/2010 - 12/31/2016	N	0.61
Town Attorney	John Dudziak	6	01/01/2010 - 12/31/2011	Y	N/A
Town Prosecutor P.T.	Nicholas LoCicero	6	01/01/2010 - 12/31/2011	N	2.57
Zoning Board Member	Darlene Humphrey	6	01/20/2010 - 12/31/2012	N	3.84

The question of the adoption of the foregoing resolution was duly
put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM VOTED YES

COUNCIL MEMBER AQUINO VOTED YES

COUNCIL MEMBER RUFFINO VOTED YES

COUNCIL MEMBER STEMPIAK VOTED YES

SUPERVISOR GIZA VOTED YES

July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief for the Town of Lancaster’s Department of Parks, Senior Facility and Buildings & Grounds, has requested that the Town Board authorize invitations for bids for improvements, which include the installation of an Emergency Generator and the completion of repairs to the existing roof, to the Senior Center located at 100 Oxford Avenue within the Town of Lancaster,

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the installation of an Emergency Generator and the completion of repairs to the existing roof at the Senior Center located at 100 Oxford Avenue, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on August 11, 2010 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

NOTICE TO BIDDERS
FOR THE
TOWN OF LANCASTER
LANCASTER SENIOR CENTER IMPROVEMENTS

Sealed bids for the proposed improvements at the Town's Senior Center located at 100 Oxford Avenue including the installation of an emergency generator and the completion of repairs to the existing roof will be received by the Town Clerk, at her office in the **Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M.**, Local Time, on August 11, 2010, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the ENGINEER]. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

Each proposal must be accompanied by the deposit of a certified check, payable to the Town of Lancaster, for a sum equal to five percentum (5%) of the total amount of the Bid, or a bond with sufficient sureties in a penal sum equal to five percentum (5%) of such total bid amount, conditioned that if the proposal is accepted, that he will execute within fifteen (15) days from the date of the acceptance of the proposal, a suitable security bond in the amount of the Contract, conditioned for the faithful and prompt performance and completion of the Work specified in the Contract.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in the Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

This contract will be funded wholly or in part with federal funds, and as such, subject to all federal rules and regulations pertinent thereto, including but not limited to federal policy of encouraging the participation of minority and women business enterprises as sources of suppliers, equipment, construction and services.

Consulting Engineers;
William Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086
(716) 683-5961
Date: July 22, 2010

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk
July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Terrence McCracken, the General Crew Chief for the Town of Lancaster’s Department of Parks, Senior Facility and Buildings & Grounds, has requested that the Town Board authorize invitation for bid for the construction of the Keysa Town Park Shelter Refurbishing within the Town of Lancaster, and

WHEREAS, the Town Board has given due review and consideration to the request and deems it in the public interest to invite public bids in conformance with General Municipal Law §103 of the State of New York; and

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby invites public bids for the construction of Keysa Town Park Shelter Refurbishing, said bids are to be in conformance with the plans and specifications which are available at the office of Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York and to be received in the Office of the Town Clerk, 21 Central Avenue, Lancaster, New York, no later than 10:00 A.M. Local Time on August 11, 2010 and opened thereafter.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

NOTICE TO BIDDERS

FOR THE

**TOWN OF LANCASTER
KEYSA PARK SHELTER REFURBISHING**

Sealed bids for the proposed replacement of the Keysa Park Shelter Refurbishing will be received by the Town Clerk, at her office in the **Town Hall, 21 Central Avenue, Lancaster, New York 14086 on or before 10:00 A.M.**, Local Time, on August 11, 2010, at which time they will be publicly opened and read aloud.

Contract Documents may be examined at the office of the Town Clerk and at the office of the ENGINEER, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York 14086 between the hours of 9:00 A.M. and 4:00 P.M., except Saturdays, Sundays and Holidays.

Contract Documents may be obtained at the office of the ENGINEER upon deposit of \$50.00 per set [two (2) checks of \$25.00 each payable to the ENGINEER]. If requested in writing, the ENGINEER will mail the Contract Documents to those wishing to obtain a set upon receipt of the \$50.00 deposit plus a non-refundable mailing charge of \$25.00 per set, made payable to the ENGINEER. Bidders will receive a refund of the entire deposit upon returning plans and specifications in good condition within thirty (30) days of the bid award; non-bidders will be refunded one-half of the deposit upon the return of such plans and specifications in good condition within the thirty (30) days following the award of the Contract.

Proposals shall be made and received upon the following conditions:

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00) payable to the Supervisor of the Town of Lancaster and a Non-Collusive Bidding Certificate must accompany each bid.

All bid deposits except that of the successful bidder will be returned.

Upon acceptance of his Bid, if the successful bidder fails to enter into a Contract pursuant to the requirements of the Contract Documents, or fails to give the further security prescribed in the Notice, with the same time limited therein, then the check deposited as aforesaid and the monies standing to the credit of the same, shall be forfeited to the Town as liquidated damages, or the payment of the bond enforced for the benefit of the Town. The Town of Lancaster reserves the right to waive informalities in or to reject any and all bids.

This project is being funded in part by a grant from the State of New York (NYS). It is the policy of NYS to encourage the greatest possible participation of minority and women-owned business enterprises in State funded projects. The General Contractor, by bidding on the Contract, acknowledges his/her understanding and support for this policy and pledges to fully cooperate with the Town of Lancaster in meeting NYS requirements as set forth in the Bidding and Contract Documents.

The Town of Lancaster has been and will continue to be an equal opportunity organization. All qualified Minority and Women-Owned Business Enterprises (MWBE) suppliers, contractors, and/or businesses will be afforded equal opportunity without discrimination because of race, color, religion, national origin, sex, age, disability, sexual preference or Vietnam Era Veteran status.

Consulting Engineers;
William Schutt & Associates, P.C.
37 Central Avenue
Lancaster, New York 14086
(716) 683-5961
Date: July 22, 2010

By the Order of the Town Board of
Lancaster, Erie County, New York

Johanna Coleman
Town Clerk
July 19, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 19th day of July, 2010 for the purpose of amending Chapter 29, “Parks”, by deleting Section 29-2 (B) in its entirety and enacting in place thereof a new Section 29-2 (B) of the Code of the Town of Lancaster, and

WHEREAS, persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of Public Hearing was duly published and posted, and

WHEREAS, the Town Board has recommended the proposed amendment of the Code of the Town of Lancaster, County of Erie;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

That Chapter 29 “Parks”, Section 29-2 (B) of the Code of the Town of Lancaster, County of Erie and State of New York, is hereby deleted in its entirety and enacted in place thereof is a new Section 29-2 (B) of Chapter 29, “Parks”of the Code to read as follows:

CHAPTER 29 - PARKS

Section 29-2. General Regulations.

.....

B. The operation of any motorized vehicle such as automobiles, motorcycles, minibikes, snowmobiles and the like is prohibited within the area of parklands, including the Heritage Trail Bike Path; provided, however, that the operation of licensed vehicles for the transporting of the public to and from the parklands is permitted on all improved roadways, and the parking of such vehicles is also permitted within designated parking areas.

**BE IT FURTHER
RESOLVED**,

That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 19th day of July, 2010;

That a certified copy of this amendment be published in the Lancaster Bee on July 22, 2010;

That a certified copy of this Amendment be posted on the Town Bulletin Board;
and

That Affidavits of Publication and Posting be filed with the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT OF CHAPTER 29 - PARKS
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN that Chapter 29, “Parks”, Section 29-2 (B) of the Code of the Town of Lancaster is hereby deleted in its entirety and enacted in place thereof is a new Section 29-2 (B) to read as follows:

CHAPTER 29 - PARKS

Section 29-2. General Regulations.

.....

B. The operation of any motorized vehicle such as automobiles, motorcycles, minibikes, snowmobiles and the like is prohibited within the area of parklands, including the Heritage Trail Bike Path; provided, however, that the operation of licensed vehicles for the transporting of the public to and from the parklands is permitted on all improved roadways, and the parking of such vehicles is also permitted within designated parking areas.

July 19, 2010

STATE OF NEW YORK :
COUNTY OF ERIE : **ss:**
TOWN OF LANCASTER :

This is to certify that **I, Johanna M. Coleman**, Town Clerk of the Town of Lancaster in the said County of Erie, have compared the foregoing copy of an Ordinance Amendment with the original thereof filed in my office at Lancaster, New York, on the 19th day of July, 2010 and that the same is a true and correct copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this 19th day of July, 2010.

Johanna M. Coleman, Town Clerk

(S E A L)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, smoking is responsible for the premature deaths of over 430,000 Americans each year from lung cancer, heart disease, respiratory illness and other diseases; and

WHEREAS, secondhand smoke is responsible for over 50,000 deaths among nonsmokers each year; and

WHEREAS, tobacco kills more Americans each year than alcohol, cocaine, crack, heroin, homicide, suicide, accidents, fires, and AIDS combined; and

WHEREAS, everyday an estimated 3,900 young people under the age of 18 try their first cigarette and one-third of these children will die prematurely from tobacco-related illnesses; and

WHEREAS, to help role model non-smoking behavior to children and youth; to provide children, youth, and their families with a safe, smoke-free environment,

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster is committed to providing a high quality of living to all residents, and

BE IT FURTHER,

RESOLVED, that the Town of Lancaster believes:

1. There is no safe level of exposure to secondhand smoke. It causes asthma, respiratory infections, cancer, and cardiovascular disease. Children should be able to play and exercise in Lancaster Town Parks without being exposed to harmful effects of secondhand smoke.
2. That tobacco product use in the proximity of children, youth, and adults engaging in or watching recreational activities is unhealthy and detrimental to the health of both the participants and the observers.
3. Tobacco products, once consumed in public spaces, are often discarded on the ground, thus posing a risk of ingestion to children and causing a litter problem.

AND, BE IT FURTHER

RESOLVED, that the Town of Lancaster will adopt a 100% smoke-free policy for all Town parks and recreation areas .

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

July 19, 2010

COMMUNICATIONS & REPORTS

293. Town Clerk to Town Board -
Monthly report for July 2010. DISPOSITION = Received & Filed
294. Time Warner Cable to Supervisor -
Notification of cable television developments within the Town. DISPOSITION =
Received & Filed
295. Linquine's Italian Restaurant to Town Clerk -
Advisement of application of liquor license renewal.
DISPOSITION = Town Clerk
296. Lorall Lake Homeowner's Association to Town Board -
Letter regarding Heritage Trail Bike Path and its proximity to Lorall Lake.
DISPOSITION = Received & Filed
297. Captain Marco A. Laurienzo to Supervisor -
Letter regarding resident's parking concerns on Newberry Lane. DISPOSITION =
Public Safety Committee
298. Erie County Department of Public Works to Town Board -
Notice of closure of Townline Road Between Walden Avenue and Westwood Road from
Tuesday, July 13, 6:30 AM through Friday, July 16, 6:00 PM for repair of the railroad
crossing. DISPOSITION = Received & Filed
299. Executive Director, Youth Bureau to Town Board -
Request appointment of seasonal employees. DISPOSITION = Resolution 7/19/10
300. Town Clerk to Town Board -
Transmittal of final settlement payment to Erie County for 2010 County/Town Tax
Warrant. DISPOSITION = Received & Filed
301. Supervising Code Enforcement Officer to Town Clerk -
Recommend issuance of a Game Room License for AMF Bowling Centers, 4913 Transit
Road. DISPOSITION = Received & Filed
302. Town Clerk to Town Board -
Transmittal of final report of the 2010 County/Town tax collection. DISPOSITION =
Received & Filed
303. Village of Lancaster to Town Board -
Minutes of meeting held June 28, 2010. DISPOSITION = Received & Filed
304. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town
Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held July 7, 2010. DISPOSITION = Received & Filed
305. Planning Board to Town Board -
Recommend approval of preliminary plat plan for the Vine Subdivision, Summerfield
Drive; conditions noted. DISPOSITION = Received & Filed
306. Planning Board to Town Board -
Notice of tabling to July 21, 2010 meeting regarding preliminary plat plan review for
Prairie Landing Subdivision, Pavement Road; conditions noted. DISPOSITION =
Received & Filed
307. Planning Board to Town Board -
Recommend approval of site plan for Transit Boulevard Apartment, Transit Road north
of William Street; conditions noted. DISPOSITION = Received & Filed

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the meeting was adjourned at 9:12 P.M. in memory of Mary Seyman and Edward J. Cichon

Signed _____
Johanna M. Coleman, Town Clerk
